IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 2142-M of 2007

DATE OF DECISION : 13.03.2007

Joginder Pal Sharma

.... PETITIONER

Versus

State of U.T. Chandigarh

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. S.S. Siao, Advocate,
for the petitioner.

Mr. R.S. Rai, Senior Standing Counsel, with
Ms. Meenakshi Dogra, Advocate,
for U.T., Chandigarh.

Petitioner Joginder Pal Sharma, apprehending his arrest in a non-bailable offence in case FIR No. 279 dated 23.12.2006 under Sections 408/420/120-B IPC, registered at Police Station Sector 31, Chandigarh, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

On January 16, 2007, interim anticipatory bail was granted to the petitioner subject to his joining investigation.

I have heard counsel for the parties and have gone through the contents of the FIR.

Counsel for the petitioner contends that the aforesaid FIR has been registered on the complaint made by Deputy General Manager, Chandigarh Bottling Company situated in Industrial Area, Phase-II, Chandigarh on the allegations that on verification some stock of the soft drinks was found to be short in the factory plant. Counsel contends that the petitioner was under treatment at P.G.I. and on that account, he was on leave for six months and he never remained Incharge of the Depot or the

Shop Incharge of the soft drinks and in his absence, the petitioner has been falsely implicated in the aforesaid case on the statement of the co-accused.

Counsel for the petitioner further states that in terms of the interim order dated January 16, 2007, the petitioner has joined the investigation. The State counsel does not dispute this fact and further states that the petitioner is no more required for further investigation.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated January 16, 2007, is made absolute subject to the same terms and conditions.

Disposed of accordingly.

March 13, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**